

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-004512

02/10/2012

HON. SAM J. MYERS

CLERK OF THE COURT

D. Benitez

Deputy

IN RE THE MATTER OF
KIRK JARVIS

KIRK JARVIS
3013 W SILVERFOX WAY
PHOENIX AZ 85045

AND

IVY JARVIS

DEEAN GILLESPIE

MINUTE ENTRY

Courtroom CCB – 603

Prior to the commencement of this proceeding, Petitioner's exhibits 1 through 10 and Respondent's exhibits 11 through 22 are marked for identification.

9:01 a.m. This is the time set for an Evidentiary Hearing regarding Respondent/Father's Petition to Modify Parenting Time and Child Support, filed September 12, 2011. Petitioner/Father, Kirk Jarvis, is present on his own behalf. Respondent/Mother, Ivy Jarvis, is present with counsel, Deean Gillespie.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel informs the Court that no agreements have been reached at this time.

Kirk Jarvis, Ivy Jarvis, and Kenneth Allen Reedy are sworn.

Petitioner's case:

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Kirk Jarvis, having previously been sworn, testifies.

Respondent's exhibits 16, 17, 18, 19, 15 and 22 are received in evidence.

Petitioner's exhibits 1, 2, 5, 6, 7, 8, 9, and 10 are received in evidence.

Petitioner rests.

Respondent's case:

Kenneth Allen Reedy, having previously been sworn, testifies.

The witness is excused.

Ivy Jarvis, having previously been sworn, testifies.

Respondent's exhibits 13, 14, and 20 are received in evidence.

Respondent rests.

IT IS ORDERED taking this matter under advisement.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel causing them to be marked, or to their written designee. Counsel shall have the right to re-file relevant exhibits as needed in support of any appeal. Re-filed exhibits must be accompanied by a Notice of Re-filing Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all re-filed exhibits.

IT IS FURTHER ORDERED that counsel or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form (2)

10:42 a.m. Matter concludes.

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LATER:

The Court has considered the testimony and evidence presented, and has considered the best interests of the minor child.

In considering the parties' requests for modification of parenting time, the Court makes the following findings based on the evidence:

- both parents provide loving and safe environments for the minor child;
- the minor child is thriving in his current environment, where he is close to the maternal grandparents;
- the minor child has a stable routine at his daycare, where he has been for several years, and appears to be doing well;
- Mother and Father previously agreed that Mother would reduce her work schedule in order to take care of the minor child;
- Father's decision to move 45 minutes away from Mother in order to accommodate his financial concerns and his fiancée's children has made frequent exchanges of the minor child impractical;
- Father works full time Monday through Friday;
- Mother works part time.

The Court finds that a modification is appropriate and enters the following orders:

IT IS ORDERED effective immediately, Mother shall remain primary residential parent.

IT IS FURTHER ORDERED Father shall have parenting time every other weekend from Saturday at 8:00 a.m. until Monday at 8:00 a.m. On the off weeks, Father shall have parenting time from Thursday at 4:00 p.m. until Saturday at 8:00 a.m. Unless otherwise agreed, Father shall pick up the child from Mother at the beginning of his parenting time and Mother shall pick up the child from Father at the conclusion of his parenting time.

Per the agreement of the parties,

IT IS ORDERED starting June 1, 2012, each party is entitled to 7 full days of vacation per year – no more than 5 consecutive days shall be taken at a time. The requesting parent must give the other parent at least 3 weeks notice prior to vacation.

Per the agreement of the parties,

IT IS ORDERED effective immediately, holidays shall be shared as follows:

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- Easter – The child shall be with Mother in odd years and Father in even years – 24 hour period to be decided.
- Memorial Day – The child shall be with Mother in even years and Father in odd years – from 8:00 a.m. to 8:00 p.m.
- Mother's Day – The child shall be with Mother in all years – 24 hour period to be decided.
- Father's Day – The child shall be with Father in all years – 24 hour period to be decided.
- Fourth of July – The child shall be with Mother in even years and Father in odd years – 24 hour period to be decided.
- Labor Day – The child shall be with Mother in odd years and Father in even years – from 8:00 a.m. to 8:00 p.m.
- Halloween – The child shall be with Mother in even years and Father in odd years – from 4:00 p.m. until 8:00 a.m. the following morning.
- Thanksgiving – The child shall be with Mother in odd years and Father in even years – 24 hour period to be decided.
- Christmas – The child shall be with Mother in even years and Father in odd years – from December 24 at 8:00 a.m. until December 26 at 8:00 a.m.
- New Year's Eve – The child shall be with Mother in odd years and Father in even years – from December 31 at 8:00 a.m. until January 1 at 4:00 p.m.
- Child's birthday – The child shall be with Mother in odd years and Father in even years – 24 hour period to be decided.
- Mother's birthday – The child shall be with Mother in all years – 24 hour period to be decided.
- Father's birthday – The child shall be with Father in all years – 24 hour period to be decided.

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The Court finds no good cause to modify child support.

Respondent has requested attorney's fees. The Court finds that Father has greater financial resources available to contribute towards Mother's attorney's fees. The Court further finds that neither party acted unreasonably in the litigation. As a result,

IT IS ORDERED granting Mother's request for attorney fees and costs.

IT IS FURTHER ORDERED that Father shall pay a portion of Mother's reasonable attorney fees and costs. Not later than February 29, 2012, counsel for Mother shall submit all necessary and appropriate documentation to support an application for an award of attorney fees and costs, including a *China Doll* Affidavit and a form of order. By no later than March 15, 2012, Father shall file any written objection. If Mother's counsel fails to submit the application by February 29, 2012, no fees or costs will be awarded. The Court shall determine the award and enter judgment upon review of the Affidavit as well as any objections.

FILED: Exhibit Worksheet

IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/s/ Honorable Sam J. Myers

HONORABLE SAM J. MYERS
SUPERIOR COURT JUDGE

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.